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The State of Texas
House of Representatives


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Memo

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TO: MEMBERS OF THE TEXAS LEGISLATURE

FROM: REPRESENTATIVE BURT SOLOMONS 

DATE: MONDAY, JANUARY 26, 2009

RE: 81ST HOUSE RULES FILED

This Monday morning I filed the proposed House Rules Resolution for the 81st Legislative Session. Until the Resolution is electronically available, I have attached a synopsis of the changes for your review. I hope you find this information useful.

Again, I appreciate your patience and cooperation over the past few weeks. If you have further questions, comments, or need clarifications regarding this House Resolution, please do not hesitate to contact me or Denise Davis in the Parliamentarian's Office. We will be available throughout the day Monday and Tuesday.

**SYNOPSIS OF PROPOSED CHANGES
RULES OF THE HOUSE
HOUSE OF REPRESENTATIVES
81ST LEGISLATURE**

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

No Changes

RULE 2. EMPLOYEES

- Sec. 1(b). Removes obsolete reference to issuance of house ID cards by chief clerk. ID cards are currently issued by the sergeant-at-arms. (page 13)
- Secs. 2(2) and (3). Allows the journal clerk to distribute copies of the daily journal and permanent house journal only to members who request copies. (pages 15-16)
- Sec. 2(b) **(NEW)** Adds duty of journal clerk to lock voting machines of excused and absent members to conform to current practice. (page 16)
- Sec. 4. Authorizes the sergeant-at-arms to issue house ID cards to conform to current practice. (page 18)
- Sec. 7. Removes obsolete reference to locking of voting machines by the voting clerk. This function is currently performed by the journal clerk. (page 19)
- Sec. 8(4). Clean-up amendment to conform to changes made to House Rules in 80th Legislature regarding persons who file a sworn statement with a committee. (page 20)
- Sec. 9 **(NEW)** Provides that parliamentarian is house officer who serves at the pleasure of the speaker, advises and assists the presiding officer and members on house procedure, and has duty of confidentiality to speaker and each member. Requires majority of house members to approve filling of a vacancy in the office. (pages 20-21)

RULE 3. STANDING COMMITTEES

Note: Five committees are consolidated with other committees. **Government Reform** is merged into **State Affairs**, **Judiciary** is merged into **Civil Jurisprudence**, **Law Enforcement** is merged into **Criminal Jurisprudence and Law Enforcement**, **Local Government Ways and Means** is merged into **Ways and Means**, and **Pensions and Investments** is merged into **Financial Services and Pensions**. One committee, **Regulated Industries**, was eliminated and its duties distributed to five different committees. One new committee was created--**Technology and Workforce Training**.

- Sec. 1--Increases membership of **Agriculture and Livestock** from seven to nine; makes conforming changes to reflect current names of state agencies; deletes Structural Pest Control Board because it was abolished. .
- Sec. 2--Decreases membership of **Appropriations** from 29 to 27.

- Sec. 3--Changes name to **Border and Intergovernmental Affairs** (formerly Border and International Affairs; increases membership from seven to nine; adds jurisdiction over relations between Texas and the federal government and between Texas and other states of the United States; adds oversight of the Office of State-Federal Relations.
- Sec. 4--Increases membership of **Business and Industry** from nine to 11; adds oversight of the construction industry; adds jurisdiction of electricity and telecommunications formerly in the jurisdiction of Regulated Industries; adds oversight of the Texas Residential Construction Commission, the Public Utility Commission, and the Office of Public Utility Counsel.
- Sec. 5--Increases membership of **Calendars** from 11 to 13.
- Sec. 6--Changes name to **Civil Jurisprudence** (formerly Civil Practices); increases membership from nine to 11; adds jurisdiction over probate, guardianship, and family law matters; adds all jurisdiction and state agency oversight of the former Judiciary Committee; adds oversight of the State Office of Administrative Hearings and the State Bar of Texas.
- Sec. 7--Increases membership of **Corrections** from seven to nine members; adds oversight of two newly created state agencies--the Special Prosecution Unit and the Criminal Justice Legislative Oversight Committee; removes review over the Texas Youth Commission.
- Sec. 8--**County Affairs**--no changes.
- Sec. 9--Changes name to **Criminal Jurisprudence and Law Enforcement** (formerly Criminal Jurisprudence); increases membership from nine to 11; adds all jurisdiction and state agency oversight of the former Law Enforcement Committee.
- Sec. 10--Increases membership of **Culture, Recreation, and Tourism** from seven to nine.
- Sec. 11--Increases membership of **Economic Development** from seven to nine; removes jurisdiction over science and technology issues; removes oversight of Texas Emerging Technology Committee; deletes Texas National Research Laboratory Commission because it was abolished.
- Sec. 12--Increases membership of **Elections** from seven to nine.
- Sec. 13--Increases membership of **Energy Resources** from seven to nine.
- Sec. 14--Increases membership of **Environmental Regulation** from seven to nine; adds jurisdiction over the impact of electric generation on air and water quality.
- Sec. 15--Changes name to **Financial Services and Pensions** (formerly Financial Institutions); increases membership from seven to nine; adds all jurisdiction and state agency oversight of the former Pensions and Investments Committee; adds jurisdiction over privacy and identity theft.
- Sec. 16--**General Investigating and Ethics**--no changes.
- Sec. 17--**Higher Education**--clarifies jurisdiction to include funding and financial management of colleges and universities.
- Sec. 18--**House Administration**--no changes.
- Sec. 19--**Human Services**--no changes.
- Sec. 20--**Insurance**--no changes.
- Sec. 21--Changes name to **Juvenile Justice** (formerly Juvenile Justice and Family Issues); removes jurisdiction on family issues; adds oversight of two newly created

state agencies--the Special Prosecution Unit and the Office of Independent Ombudsman of the Texas Youth Commission; adds oversight of the Texas Youth Commission.

- Sec. 22--**Land and Resource Management**--no changes.
- Sec. 23--**Licensing and Administrative Procedures**--removes jurisdiction over the State Bar of Texas.
- Sec. 24--**Local and Consent Calendars**--no changes.
- Sec. 25--Changes name to **Military and Veterans' Affairs** (formerly Defense Affairs and State-Federal Relations); has same jurisdiction and oversight as former committee except limits jurisdiction over state-federal relations to defense, emergency preparedness, and veterans issues; eliminates jurisdiction over interstate relations; eliminates oversight of the Office of State-Federal Relations; deletes reference to Texas Military Facilities Commission because it was abolished.
- Sec. 26--**Natural Resources**--adds jurisdiction over the impact of electric generation on state water resources.
- Sec. 27--Increases membership of **Public Education** from nine to 11.
- Sec. 28--Increases membership of **Public Health** from nine to 11; adds oversight of two newly created state agencies--Texas Health Services Authority and the Interagency Obesity Council; makes conforming changes to reflect current names of state agencies.
- Sec. 29--**Redistricting**--no changes.
- Sec. 30--**Rules and Resolutions**--no changes.
- Sec. 31--Increases membership of **State Affairs** from nine to 11; adds all jurisdiction and state agency review of the former Government Reform Committee; adds jurisdiction over relocation of utility facilities, noncompetitive electric services, and noncompetitive telecommunication services; adds oversight of the Public Utility Commission and the Office of Public Utility Counsel; makes conforming changes to reflect current names of state agencies.
- Sec. 32--Creates new committee, **Technology and Workforce Training**, consisting of nine members; jurisdiction over advances in science and technology, promotion of scientific research, and workforce training; oversight of the Texas Emerging Technology Advisory Committee.
- Sec. 33--Increases membership of **Transportation** from nine to 11.
- Sec. 34--Increases membership of **Urban Affairs** from seven to 11; conforms language of jurisdiction to terminology of Local Government Code; adds jurisdiction over municipal use of eminent domain, annexation, and land use regulation.
- Sec. 35--Increases membership of **Ways and Means** from nine to 11; adds all jurisdiction of the former Local Government Ways and Means Committee.

RULE 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES

- Sec. 2(a). Applies seniority membership rule to Appropriations Committee. Abolishes position of chair for oversight and budget on substantive standing committees. (pages 53-54)
- Sec. 4(b). **(NEW)** Prohibits chair of Appropriations Committee from serving on another substantive committee. (page 55)

- Sec. 18(b). Clean-up amendment to conform rule governing committee minutes to changes made to House Rules in 80th Legislature regarding persons who file a sworn statement with a committee. (page 63)
- Sec. 23A. Allows a committee chair to recognize a member of the senate to provide information to the committee in the same manner as the chair may recognize house members who are not members of the committee. (page 67)
- Sec. 32(b). Clean-up amendment to conform to changes made to House Rules in 80th Legislature regarding persons who file a sworn statement with a committee. Provides that omission from committee report of name of person filing sworn statement who did not testify is not basis for a sustainable point of order. (page 72)
- Sec. 32(c). Requires committee bill analysis to include a list of laws being repealed. (page 72)
- Sec. 32(d). **(NEW)** Requires chair to provide a copy of a bill analysis prepared for the committee by the Texas Legislative Council to the author of the bill or resolution. (page 73)
- Sec. 32(e). **(NEW)** Provides that a point of order on a bill analysis may be overruled if the analysis is not materially or substantially misleading. (page 73)
- Sec. 61. Eliminates requirement for printing specified number of copies of an interim study committee report. Allows the committee coordinator to determine the manner in which report is submitted and the number of copies to print. Requires the committee coordinator to distribute copies to appropriate agencies and make the report available on the house website. (page 84)

RULE 5. FLOOR PROCEDURE

- Sec. 35. Provides that motion to vacate the chair is a question of privilege. (page 97)
- Sec. 39A. **(NEW)** Provides for the appeal of a refusal of the speaker to recognize a member for a question of privilege on written motion of 76 members requesting that the member be recognized. The appeal is to be considered as a special order 24 hours after the written motion is submitted. (page 99)
- Sec. 46. Changes obsolete reference to locking of voting machines by the voting clerk to reflect current practice in which the journal clerk performs this function. (page 101)
- Sec. 47. Clarifies that a member is subject to disciplinary action for voting for another member on the voting machine only if the members acts without that other member's permission. (page 101)
- Sec. 50. Permits an absent member to authorize a pairing of the member's vote by sending a fax or PDF to the chief clerk. Removes obsolete reference to telegrams. (pages 102-103)
- Sec. 51(d). Conforms the rules to the 2007 amendment to the Texas Constitution to clarify that a vote on final passage of a bill or joint resolution "without objection" does not satisfy Section 12, Article III, which now requires a record vote on all substantive bills and resolutions with each member's vote entered in the journal. (page 104)

RULE 6. ORDER AND BUSINESS AND CALENDARS

- Sec. 15. Clarifies that precedence of third readings over second readings does not apply to bills and resolutions on different specific calendars. (page 116)

- Sec. 16(a). Authorizes Calendars Committee during the final days for consideration of bills and resolutions on second reading to place an enabling bill for a constitutional amendment on the supplemental calendar for the same day as the calendar on which the joint resolution proposing the constitutional amendment appears. (pages 117-118)
- Sec. 16(a-1). **(NEW)** Requires Calendars Committee during a regular session to distribute the calendar on which the general appropriations bill will be considered on second reading at least 144 hours (six days) before the calendar is eligible for consideration. See also new Rule 11, Section 6(h), below. (page 118)
- Sec. 16(f). Requires proposed calendar rules to be distributed at least six hours before consideration and to be approved by a two-thirds vote, except that a calendar rule for a tax, redistricting, or appropriations bill may be approved by majority vote. (page 119)
- Sec. 17. Authorizes the removal from a calendar of a bill or resolution that is recommitted or withdrawn from further consideration. (page 120)
- Sec. 25. Allows Calendars Committee to set a special calendar for selected bills and resolutions on third reading to be considered at a designated time certain. (page 124)

RULE 7. MOTIONS

- Sec. 37(c). **(NEW)** Requires that the house be given two hours notice of a motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated. Allows any member to provide the notice. (pages 136-137)

RULE 8. BILLS

- Secs. 9(a) and (b). Reduces by four the number of copies of bills and joint resolutions than must be filed on introduction. (page 144)

RULE 9. JOINT RESOLUTIONS

No Changes

RULE 10. HOUSE RESOLUTIONS AND CONCURRENT RESOLUTIONS

- Sec. 1. Reduces the number of copies of a resolution that must be filed with the chief clerk from 13 to 9. (page 157)
- Sec. 4A. **(NEW)** Provides that resolutions other than honorary or ceremonial must be approved on final passage by a record vote with each member's vote entered in the journal as required by the 2007 amendment to Section 12, Article III, of the Texas Constitution requiring a record vote on all substantive bills and resolutions. (page 157)

RULE 11. AMENDMENTS

- Sec. 6(h). **(NEW)** Requires original amendments to the general appropriations bill on second reading in a regular session to be filed with the chief clerk at least 84 hours (three and one-half days) before the calendar on which the bill appears is eligible. See also new Rule 6, Section 16(a-1), above. (page 163)

RULE 12. PRINTING

No Changes

RULE 13. INTERACTIONS WITH THE GOVERNOR AND SENATE

- Sec. 5(b). Requires that the fiscal note on senate amendments be made available in a timely fashion and in an appropriate format rather than distributed with the amendments on their printing. (page 173)
- Sec. 5A. (NEW) Provides that the speaker may return nongermane senate amendments to a house bill or resolution to the senate before the senate amendments are eligible for consideration. Requires the speaker to attach an explanation to the bill and enter the explanation in the house journal. (pages 174-175)
- Secs. 10(a)-(d). Allows compliance with the 24-hour layout requirement for conference committee reports for bills and joint resolutions other than the general appropriations bill by making an electronic version available for viewing and providing each member email notice when the electronic version is available. Requires a printed copy of the conference committee report to be furnished to each member before the house may take action on the report. (page 181-182)
- Sec. 10(e). Requires that the fiscal note on a conference committee report be made available in a timely fashion and in an appropriate format rather than distributed with the conference committee report on its printing. (page 182)

RULE 14. GENERAL PROVISIONS

- Sec. 3. Clarifies effect of a motion to suspend all rules by removing an ineffective reference to statutes that purport to establish rules binding on the house. (page 184)

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